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Judiciary Acts. The Judiciary Article (Art. III) of the U.S. Constitution created a Supreme Court and "such inferior courts as the Congress may from time to time ordain or establish". The First Congress established such inferior federal courts under the Judiciary Act of 1789. Subsequent major judiciary acts include the following: Act of 1875 granting federal question jurisdiction; Act of 1891 (Evarts Act) establishing circuit courts of appeals and fixing the outline of the contemporary scheme of federal appellate review; Act of 1911 enacting the Federal Judicial Code (which was recodified in 1948 and 1958); Act of 1925 (Judges' Bill), and 1988, further narrowing the scope of discretionary review by certiorari of the Supreme Court. *See also* Federal Judicial Code.

Black's Law
6th ED.

United States Courts. Courts upon which the judicial power of the United States is conferred by the third article of the United States Constitution. *American Ins. Co. v Canter* (US) 1 Pet 511, 7 L Ed 242; *Federal Trade Com. v Klesner*, 274 US 145, 71 L Ed 972, 47 S Ct 557. The United States Supreme Court and courts inferior to it, commonly known as federal courts, ordained and established by Congress in the exercise of its constitutional powers. 20 Am J2d Cts § 6.

Black's Law
6th ED

constitutional courts. Courts which are directly established by the constitution, and therefore beyond the power of the legislature to abolish or alter. 20 Am J2d Cts § 17; Federal courts established by Congress pursuant to Article 3, section 1 of the Constitution of the United States. 20 Am J2d Cts § 8.

Ballentine's
3rd Ed.

Black's Law
← 6th Ed.

final judgment. A judgment which determines and disposes of the whole merits of the cause before the court by declaring that the plaintiff is or is not entitled to recovery by the remedy chosen, or completely and finally disposes of a branch of the cause which is separate and distinct from other parts thereof. 30A Am J Rev ed Judgm § 121. A judgment which determines a question in such a manner as to terminate or end the matter so completely as to preclude all future inquiry concerning the truth itself. *Re Enger*, 225 Minn 229, 30 NW2d 694, 18 ALR2d 1048. A judgment which puts at an end the judicial labor in a cause. *Ruth v United States Fidelity & Guaranty Co.* (Fla) 83 So 2d 769, 55 ALR2d 541. For any purpose of the application of the doctrine of *res judicata*:—any judicial decision upon a question of law or fact which is not provisional and subject to change in the future by the same tribunal. *Bannon v Bannon*, 270 NY 484, 1 NE2d 975, 105 ALR 1401. For the purposes of appeal:—a judgment which terminates the litigation between the parties on the merits and leaves nothing to be done but to enforce by execution what has been determined. *St. Louis, Iron Mountain & S. R. R. Co. v Southern Express Co.* 27 L Ed 638, 108 US 24, 2 S Ct 6.

The sentence in a criminal case. *Miller v Aderhold*, 288 US 206, 77 L Ed 702, 53 S Ct 325.

As used in the federal statute conferring jurisdiction on the Supreme Court to review the "final judgment" of a state court, the expression is defined as applying to all judgments and decrees which determine the particular case, that is, such as terminate the litigation between the parties on the merits of the case, so that, in case of affirmance in the federal court, the court below would have nothing to do but to execute the judgment or decree it had already rendered. *Georgia R. & Power Co. v Decatur*, 262 US 432, 67 L Ed 1065, 43 S Ct 613.

final judgment or decree. See final decree; final judgment.

final jurisdiction. A jurisdiction which, once exercised, is exclusive of the exercise of jurisdiction over the same matter by any other court. *Saylor v Duel*, 236 Ill 429, 86 NE 119. A term of particular reference to criminal cases, being jurisdiction to convict and sentence or acquit and discharge, as distinguished from jurisdiction over a preliminary hearing wherein the accused may be released from custody or bound over to the grand jury. *State v Fox*, 83 Conn 286, 76 A 302.

final. Conclusive; terminating all controversy, doubt or dispute; the end, ultimate, or last. *Saylor v Duel*, 236 Ill 429, 86 NE 119.
See finality.

Article. III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—[between a State and Citizens of another State;—]* between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, [and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.]*

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

*Changed by the Eleventh Amendment.